Remarks

The Office Action mailed January 28, 2008 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-31 are now pending in this application. Claims 1-31 stand rejected.

The rejection of Claim 15 under 35 U.S.C. § 112 is respectfully traversed. Claim 15 has been amended to address the issues noted in the Office Action. For at least this reason, Applicants respectfully request that the Section 112 rejection of Claim 15 be withdrawn.

The rejection of Claims 1-2, 4-7, 10-17, 22-28 under 35 U.S.C. § 102(b) as being anticipated by Wright (U.S. Patent No. 6,353,734) is respectfully traversed.

Wright describes transmitting a record of aircraft flight performance and engine performance over a ground link-based aircraft data communication system. An airport-resident ground data link subsystem (200) downloads engine data during initial take-off, and flight performance data after the aircraft has landed. An aircraft-installed ground data link subsystem (100) is operatively connected to sensors positioned on the aircraft for sensing engine conditions and for generating engine data relating to the operation of the engine during at least initial take-off. Data collected by the sensors is stored in a memory (134). The aircraft-installed ground data link subsystem (100) includes a wireless transceiver (136) that accesses data stored in the memory (134), encrypts the data, and transmits the data via a selected sub-channel of the wireless ground communication link to a wireless router (201) of the airport-resident ground data link subsystem (200). Notably, Wright does not describe nor suggest controlling transmission of a stream of data from the supervisory processor to the subscriber based on the supervisory processor configuration, wherein the supervisory processor selectively disables transmission of the stream of data from the supervisory processor to the subscriber based on at least one of a predetermined time period and terms of a data sharing agreement.

Claim 1 recites a method of selectively controlling communication between a supervisory processor and a subscriber that comprises, "receiving a stream of data at the supervisory processor . . . controlling transmission of the stream of data from the supervisory processor to the subscriber based on the supervisory processor configuration, wherein the supervisory processor selectively disables transmission of the stream of data from the supervisory processor to the subscriber based on at least one of a predetermined time period and terms of a data sharing agreement . . . receiving an enabling configuration at the supervisory processor which alters the supervisory processor configuration . . . transmitting at least a portion of the controlled stream of data from the supervisory processor to the subscriber based on the supervisory processor configuration."

Wright does not describe nor suggest a method of selectively controlling communication between a supervisory processor and a subscriber as is recited in Claim 1. Moreover, Applicants agree with the statement on Page 6, Paragraph 8 of the instant Office Action that, "Wright does not disclose disabling the transmission of monitored information from the aircraft, nor an enabling configuration that expires after a predetermined time period." More specifically, Wright does not describe nor suggest controlling transmission of the stream of data from the supervisory processor to the subscriber based on the supervisory processor configuration, wherein the supervisory processor selectively disables transmission of the stream of data from the supervisory processor to the subscriber based on at least one of a predetermined time period and terms of a data sharing agreement. Accordingly, for at least the reasons stated above, Claim 1 is submitted to be patentable over Wright.

Claims 2, 4-7, and 10-11 depend from independent Claim 1. When the recitations of Claims 2, 4-7, and 10-11 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2, 4-7, and 10-11 likewise are patentable over Wright.

Claim 12 recites a data network that comprises, "a first proprietary network segment configured to receive proprietary data communication from a proprietary data source . . . a supervisory processor communicatively coupled to said first proprietary network segment, said processor configured to execute software instructions based on a processor configuration . . . a subscriber network segment coupled to said supervisory processor, said subscriber network segment configured to selectively transmit subscriber data from said supervisory processor to a subscriber based on at least one of a predetermined time period and terms of a data sharing agreement."

Wright does not describe nor suggest a data network as is recited in Claim 12. Applicants agree with the statement on Page 6, Paragraph 8 of the instant Office Action that, "Wright does not disclose disabling the transmission of monitored information from the aircraft, nor an enabling configuration that expires after a predetermined time period." Moreover, Applicants respectfully submit that a network segment configured to selectively transmit data, as is recited in Claim 12, would include enabling and disabling data transmission. More specifically, Wright does not describe nor suggest controlling transmission of the stream of data from the supervisory processor to the subscriber based on the supervisory processor configuration, wherein the supervisory processor selectively disables transmission of the stream of data from the supervisory processor to the subscriber based on at least one of a predetermined time period and terms of a data sharing agreement. Accordingly, for at least the reasons stated above, Claim 12 is submitted to be patentable over Wright.

Claims 13-17 depend from independent Claim 12. When the recitations of Claims 13-17 are considered in combination with the recitations of Claim 12, Applicants submit that dependent Claims 13-17 likewise are patentable over Wright.

Claim 22 recites a gas turbine control monitoring system for selectively transmitting gas turbine engine operational data from an engine supervisory processor to a subscriber. The gas turbine control monitoring system comprises, "a gas turbine control system communicatively coupled to at least one engine sensor . . . a first proprietary data network communicatively coupled to the gas turbine control system . . . a supervisory processor communicatively coupled to said first proprietary network for receiving gas turbine engine operational data . . . a second proprietary data network communicatively coupled to said supervisory processor . . . a subscriber data network communicatively coupled to said supervisory processor, wherein said processor is configured to selectively transmit gas turbine engine operational data to the subscriber through said subscriber data network, wherein the transmission is based on at least one of a predetermined time period and terms of a data sharing agreement."

Wright does not describe nor suggest a gas turbine control monitoring system as recited in Claim 22. Applicants agree with the statement on Page 6, Paragraph 8 of the instant Office Action that, "Wright does not disclose disabling the transmission of monitored information from the aircraft, nor an enabling configuration that expires after a predetermined time period." Applicants respectfully submit that a processor configured to selectively transmit data, as recited in Claim 22, would include enabling and disabling data transmission. More specifically, Wright does not describe nor suggest a processor configured to selectively transmit gas turbine engine operational data, wherein the transmission is based on at least one of a predetermined time period and terms of a data sharing agreement. Accordingly, for at least the reasons stated above, Claim 22 is submitted to be patentable over Wright.

Claims 23-28 depend from independent Claim 22. When the recitations of Claims 23-28 are considered in combination with the recitations of Claim 22, Applicants submit that dependent Claims 23-28 likewise are patentable over Wright.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-2, 4-7, 10-17, and 22-28 be withdrawn.

The rejection of Claims 3, 8, 9, 18-21, and 29-31 under 35 U.S.C. § 103 as being unpatentable over Wright in view of Allen (U.S. Patent No. 6,476,763) is respectfully traversed.

Wright is described above. Allen describes a triggerable location-reporting apparatus (12) integrated within a vehicle (20). The apparatus (12), upon request by a service provider, receives a page from a paging satellite (14). The page from the paging satellite (14) is used to locate the object (20), for example, if the object (20) has been lost or stolen. The apparatus (12) includes a page receiver (34) that receives power through a controller (36). Power management of the apparatus (12) is provided by the controller (36). After receiving a page from the paging satellite (14), the page receiver (34) transmits a "power-on" signal to the controller (36). The controller (36) then switches power to a global position satellite system (GPS) receiver (48), which receives GPS signals. The GPS receiver (48) acquires the GPS signals and determines a variety of position data regarding the apparatus (12). The GPS receiver (48) sends the GPS data to the controller (36). The controller (36) then switches power to a cellular network transmitter (54). Once the apparatus (12) has transmitted GPS data, the GPS receiver (48), cellular network transmitter (54), and controller (36) are put into a sleep mode in order to reduce power usage. Notably, Allen does not describe nor suggest controlling transmission of a stream of data by selectively disabling transmission of the stream of data based on at least one of a predetermined time period and terms of a data sharing agreement.

Claims 3, 8, and 9 depend from independent Claim 1. Claim 1 is recited above.

No combination of Wright and Allen describes nor suggests a method of selectively controlling communication between a supervisory processor and a subscriber as recited in Claim 1. More specifically, no combination of Wright and Allen describes nor suggests a method of controlling communication that includes controlling transmission of a stream of data by selectively disabling transmission of the stream of data based on at least one of a predetermined time period and terms of a data sharing agreement. Rather, in contrast to the present invention, Wright describes a method of wireless aircraft data communication that includes continuously broadcasting an interrogation beacon from the ground that includes information on emitted power level restrictions of the airport and transmitting data, at a power level that meets the airport power level restrictions, from an on-board data-link, and Allen describes a triggerable remote controller that manages the power provided to components of a GPS apparatus based on received pages that include "power-on" instructions for the controller. Accordingly, for at least the reasons stated above, Claim 1 is submitted to be patentable over Wright in view of Allen.

Claims 3, 8, and 9 depend from independent Claim 1. When the recitations of Claims 3, 8, and 9 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3, 8, and 9 likewise are patentable over Wright in view of Allen.

Claims 18-21 depend from independent Claim 12. Claim 12 is recited above.

No combination of Wright and Allen describes nor suggests a data network as recited in Claim 12. More specifically, no combination of Wright and Allen describes nor suggests a data network that includes a subscriber network segment configured to selectively transmit subscriber data from said supervisory processor to a subscriber based on at least one of a predetermined time period and terms of a data sharing agreement. Rather, in contrast to the present invention, Wright describes a wireless aircraft data communication system that includes a router that continuously broadcasts an interrogation beacon from the ground that includes information on emitted power level restrictions of the airport and an on-aircraft data link that transmits data, at a power level that meets the airport power level restrictions, and Allen describes a triggerable remote controller that manages the power provided to components of a GPS apparatus based on received pages that include "power-on" instructions for the controller. Accordingly, for at least the reasons stated above, Claim 12 is submitted to be patentable over Wright in view of Allen.

Claims 18-21 depend from independent Claim 12. When the recitations of Claims 18-21 are considered in combination with the recitations of Claim 12, Applicants submit that dependent Claims 18-21 likewise are patentable over Wright in view of Allen.

Claims 29-31 depend from independent Claim 22. Claim 22 is recited above.

No combination of Wright and Allen describes nor suggests a gas turbine control monitoring system as recited in Claim 22. More specifically, no combination of Wright and Allen describes nor suggests a gas turbine control monitoring system that includes a subscriber data network communicatively coupled to said supervisory processor, wherein said processor is configured to selectively transmit gas turbine engine operational data to the subscriber through said subscriber data network, the transmission based on at least one of a predetermined time period and terms of a data sharing agreement. Rather, in contrast to the present invention, Wright describes a wireless aircraft data communication system that includes a router that continuously broadcasts an interrogation beacon from the ground that includes information on emitted power level restrictions of the airport and an on-aircraft data link that transmits data, at a power level that meets the airport power level restrictions, and Allen describes a triggerable remote controller that manages the power provided to components of a GPS apparatus based on received pages that include "power-on" instructions for the controller. Accordingly, for at least the reasons stated above, Claim 22 is submitted to be patentable over Wright in view of Allen.

Claims 29-31 depend from independent Claim 22. When the recitations of Claims 29-31 are considered in combination with the recitations of Claim 22, Applicants submit that dependent Claims 29-31 likewise are patentable over Wright in view of Allen.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3, 8, 9, 18-21, and 29-31 be withdrawn.

In addition, Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination. Neither Wright nor Allen, considered alone or in combination, describes or suggests selectively disabling transmission of a stream of data from a supervisory processor to a subscriber based on at least one of a predetermined time period and terms of a data sharing agreement.

Further, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. It appears that the present rejection reflects an impermissible attempt to use the instant claims as a guide or roadmap in formulating the rejection using impermissible hindsight reconstruction of the invention. The United States Supreme Court has recently expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon ex post reasoning. See KSR International Co. v. Teleflex, Inc., slip Opinion at page 17. The Supreme Court also explained that, following "common sense," "familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." Id. at page 16. Applicants respectfully submit that the teachings of Wright and Allen do not fit together like pieces of a puzzle, but rather are isolated disclosures, which have been chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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